

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INTERNATIONAL BUSINESS MACHINES CORPORATION, )  
Plaintiff, ) C.A. No. 22-590-GBW  
v. ) JURY TRIAL DEMANDED  
ZYNGA INC., ) PUBLIC VERSION  
Defendant. )

**DECLARATION OF BENJAMIN J. RODD IN SUPPORT OF PLAINTIFF'S MOTION  
FOR ENHANCED DAMAGES**

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Dated: October 22, 2024  
11839935 / 00311.00032  
Public Version Dated: October 29, 2024

I, Benjamin J. Rodd, declare as follows:

1. I am an attorney with the law firm of Desmarais LLP, counsel for Plaintiff International Business Machines Corporation (“IBM”) in the above captioned matter. I am admitted pro hac vice to this Court. I submit this declaration based on personal knowledge, and if called upon as a witness, I could competently testify to the truth of each statement herein.

2. I make this declaration in support of Plaintiff’s Motion For Enhanced Damages, submitted concurrently.

3. Attached hereto as Exhibit 1 is a true and accurate copy of the trial transcript for September 9, 2024 (transcript pages 1-292), with annotation added for clarity.

4. Attached hereto as Exhibit 2 is a true and accurate copy of the trial transcript for September 10, 2024 (transcript pages 293-605), with annotation added for clarity.

5. Attached hereto as Exhibit 3 is a true and accurate copy of the trial transcript for September 11, 2024 (transcript pages 606-917), with annotation added for clarity.

6. Attached hereto as Exhibit 4 is a true and accurate copy of the trial transcript for September 12, 2024 (transcript pages 918-1172), with annotation added for clarity.

7. Attached hereto as Exhibit 5 is a true and accurate copy of the trial transcript for September 13, 2024 (transcript pages 1173-1319), with annotation added for clarity.

8. Attached hereto as Exhibit 6 is a true and accurate copy of Defendants’ Sixth Supplemental Joint Responses To Plaintiff’s First Set Of Interrogatories (Nos. 1-15), dated January 23, 2024, with annotation added for clarity.

9. Attached hereto as Exhibit 7 is a true and accurate copy of the hearing transcript of the discovery teleconference held on December 2, 2022, with annotation added for clarity.

10. Attached hereto as Exhibit 8 is a true and accurate copy of an email from Clement Roberts, dated August 25, 2023, with annotation added for clarity.

11. Attached hereto as Exhibit 9 is a true and accurate copy of an email from Clement Roberts, dated July 27, 2022, with annotation added for clarity.

12. Attached hereto as Exhibit 10 is a true and accurate copy of an email from Clement Roberts, dated July 20, 2022, with annotation added for clarity.

13. Attached hereto as Exhibit 11 is a true and accurate copy of an email from Clement Roberts, dated November 15, 2023, with annotation added for clarity.

14. Attached hereto as Exhibit 12 is a true and accurate copy of an email from Clement Roberts, dated November 2, 2023, with annotation added for clarity.

15. Attached hereto as Exhibit 13 is a true and accurate copy of the Supplemental Expert Report Of Kevin C. Almeroth, Ph.D. On Non-Infringement Of U.S. Patent No. 7,072,849, dated March 22, 2024, with annotation added for clarity.

16. Attached hereto as Exhibit 14 is a true and accurate copy of the Supplemental Expert Report Of Kevin C. Almeroth, Ph.D. On Invalidity Of U.S. Patent No. 7,072,849, dated August 5, 2024, with annotation added for clarity.

17. Further attached hereto are true and correct copies of the following trial exhibits that were admitted at trial, with annotation added for clarity:

Exhibit	Description	Excerpt Only
<b>DTX-0474</b>	Letter From Trintex To Coldwell Banker (dated March 31, 1987)	
<b>DTX-0475</b>	Letter From Trintex To Dreyfus Service Corporation (dated May 13, 1987)	
<b>DTX-1166</b>	U.S. Patent No. 7,047,209	
<b>JTX-0001</b>	Certified U.S. Patent No. 7,072,849	
<b>JTX-0006</b>	Letter from W. LaFontaine to D. Shah re Notice of Infringement for IBM Patents US 8,219,924, US 5,796,967 US 7,072,849 US 7,631,346 and US 7,099,862 (06-26-2014)	
<b>JTX-0007</b>	Email from W. LaFontaine Jr. to D. Shah re Notice of Infringement for IBM Patent US 6,489,974 (12-21-2015)	

Exhibit	Description	Excerpt Only
<b>JTX-0008</b>	Email from C. Roberts to T. McBride re IBM Allegations of Infringement (04-24-2020)	
<b>JTX-0012</b>	Letter from L. Pinto to C. Wilson re Zynga's Infringement of US Patent No. 7,702,719 (05-20-2020)	
<b>JTX-0178</b>	Presentation: IBM - Zynga - Farmville – U.S. Patent 7,072,849: Method for Presenting Advertising in an Interactive Service (2011)	
<b>JTX-0196</b>	Spreadsheet: Zynga - May 2016 through May 2022 Bookings.xlsx [NATIVE]	
<b>PTX-1048</b>	Email from C. Roberts to T. McBride et al., re IBM Infringement Allegations (04-30-2020)	
<b>PTX-1057</b>	Presentation: Empires & Puzzles - Dynamic Offers (12-18-2023)	
<b>PTX-1305</b>	Zynga Inc. Form 10-K for the year ended 12-31-2021	p. 1, 4, 6, 18, 40, 138
<b>PTX-1320</b>	Presentation: Oksana Kohutyuk - HiR Buyer Clustering (11-09-2017)	
<b>PTX-1465</b>	Web Page: Car IAPs - CSR2 - Zynga Wiki ( <a href="https://wiki.corp.zynga.com/display/CSR2/Car+IAPs">https://wiki.corp.zynga.com/display/CSR2/Car+IAPs</a> )	
<b>PTX-1600</b>	WOZ Slots - Battle Pass Currency Event (09-01-2022)	
<b>PTX-1610</b>	Wizard of Oz Slots - OOC Optimization (Experiment plan) (03-18-2020)	
<b>PTX-1675</b>	Potter - Puzzle Pass (Battle Pass) Final Specification	
<b>PTX-2101</b>	Car Promotions - WIP - CSR2 - Zynga Wiki.pdf	
<b>PTX-3047</b>	Screenshot taken from JTX-0305 (IBM-ZYNGA00036930) at timestamp 27:26	
<b>PTX-3048</b>	Screenshot taken from JTX-0305 (IBM-ZYNGA00036930) at timestamp 28:22	
<b>PTX-3049</b>	Screenshot taken from JTX-0305 (IBM-ZYNGA00036930) at timestamp 28:24	
<b>PTX-3131</b>	Screen capture: CSR - Shop1	
<b>PTX-3155</b>	Screen capture: Farmville 3 - Shop1	

Executed on October 22, 2024, in New York, NY.

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